

SJW 2145

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 27, 2006

Jennifer Badley

(Jennifer Badley)

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gregory A. Brown and Marcellino Tanumihardja

Application No. : 09/894,279

Filed : June 27, 2001

Title : WIRELESS DEVICE DETECTION

Confirmation No. : 5240

Examiner : Patrice L. Winder

Art Unit : 2145

Docket No. : 0805-003-002-SEED

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPLANATORY NOTE IN

RESPONSE TO EXAMINER WINDER'S MISCELLANEOUS LETTER OF 29 NOVEMBER

2006

Commissioner for Patents:

The following is in response to the Miscellaneous Letter dated 29 November 2006.

### EXPLANATORY NOTE

Examiner Winder has stated

The reply filed on May 30, 2006<sup>1</sup> is not fully responsive because it fails to include a complete or accurate record of the substance of the applicant-initiated interview. Applicant asserts that the Examiner made an agreement in the interview, see page 18 of the Remarks filed on May 30, 2006. The agreement is not reflected in the Examiner's record of the Interview summary and the Examiner does not recall an agreement being reached. Therefore, Applicant should provide their own account of the interview.

*See Miscellaneous Letter With Response Period (29 November 2006).*

In the passage of the 26 May 2006 Amendment to which Examiner refers, Applicant Entity (hereinafter "Applicant") states that he "finds the elections/restrictions puzzling since during Examiner's previous interview with Applicant it was Applicant's understanding that Examiner would examine claims such as Applicant-submitted Claims 66-70 with an eye toward allowance." *See* Amendment page 18 (26 May 2006).

The interview to which Applicant was referring in this passage (as well as throughout the remarks) was that of 03 November 2005, and was recounted in Applicant's previously-filed Interview Summary and Amendment of 07 November 2005 (a copy of which is hereby attached as a courtesy to Examiner Winder). As set forth therein, and reiterated here, it was Applicant's recollection that during that 03 November 2005 interview Examiner Winder and Applicant reviewed the cited technical material and claims, and Examiner Winder agreed with Applicant that the recitations of Claims 66-70 were not shown in the art of record. It was also Applicant's recollection that the then-filed amendments would increase the grammatical clarity of all pending claims such that Examiner Winder would issue a Notice of Allowability of all pending claims (as set forth in the previously-referenced interview summary of 07 November 2005 (copy attached).

Applicant apologizes if Applicant misunderstood Examiner Winder. However, Applicant continues to assert that all pending claims are not shown in the technical material cited by Examiner Winder, and invites Examiner Winder to call should she be interested in further discussions of this matter.

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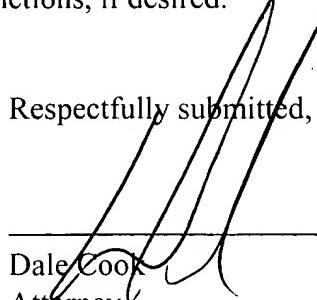
<sup>1</sup> The Amendment was filed with a Certificate of Mailing on 26 May 2006

REMARKS

Applicant points out that the application and the art of record have meaning as such would be understood by one of skill in the art. Applicant continues to assert that any and all claims argued in Applicant's previous Office Action Response(s) are patentable for at least the reasons set forth therein. Applicant hereby reserves the right to address the art and/or present application in this or any subsequent forum.

The Examiner is encouraged to contact the undersigned by telephone at (425) 467-2260 to discuss the above or any other distinctions, if desired.

Respectfully submitted,

  
Dale Cook  
Attorney

Registration No. 42,434

DRC:jmb

Enclosures:

Postcard

Post-Filing Transmittal

Copy of Interview Summary and Amendment of 07 November 2005

1756 – 114<sup>th</sup> Ave. S.E., Suite 110

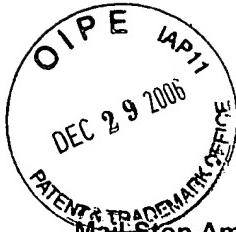
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[http://isf\\_share/Shared Documents/Patents Filed-Active Drafts/Data Architecture-003/0805-003-002-SEED Wireless Device Detection/OAResponse\Interview\\_Summary.doc](http://isf_share/Shared Documents/Patents Filed-Active Drafts/Data Architecture-003/0805-003-002-SEED Wireless Device Detection/OAResponse\Interview_Summary.doc)

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### POST-FILING TRANSMITTAL

Inventors: Gregory A. Brown and Marcellino Tanumihardja

TITLE: WIRELESS DEVICE DETECTION

Application No.: 09/894,279

Filing Date: June 27, 2001

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### ENCLOSURES

- A response to Examiner's Miscellaneous Letter of 29 November 2006
- A Copy of Applicant's 07 November 2005 Interview Summary and Amendment
- A Declaration under 37 C.F.R. § 1.132 / A Supplemental Declaration
- A Terminal Disclaimer
- A Petition for an Extension of Time
- An Information Disclosure Statement, Form PTO-1449, and Copies of Citations

### LARGE ENTITY FEE CALCULATION

Claims:	Number Remaining	Number Paid For	Extra	Surcharge	\$
Total Claims	65	-	=	x \$50	=
Independent Claims	5	-	=	x \$200	=
Multiple Dependent Claims	0		0	\$360	\$
Assignment Recordation	0		0	\$40	\$

Total Fee Enclosed

### METHOD OF PAYMENT

- Payment enclosed  Check  Money Order  Other
- The Commissioner is hereby authorized to
  - Charge indicated fees and credit any over payments to Deposit Account No. \_\_\_\_\_.
  - Charge any additional fees required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. \_\_\_\_\_.

Submitted by:

Dale Cook

27 Dec 2006

Date